

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JULY 23, 2007**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:00 p.m. on Monday, July 23, 2007, with President Gray presiding.

Councillor Conley led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Gray instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Abdullah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty, Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn

A quorum of twenty-nine members being present, the President called the meeting to order.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, July 23, 2007, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Monroe Gray
President, City-County Council

Journal of the City-County Council

June 21, 2007

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Monday, June 25, 2007, a copy of a Notice of Public Hearing on on Proposal Nos. 268-270, 274-276 and 283, 2007, said hearing to be held on Monday, July 23, 2007, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

July 3, 2007

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, July 6, 2007, a copy of a Notice of Public Hearing on on Proposal No. 264, 2007, said hearing to be held on Monday, July 16, 2007, at 5:30 p.m. in Room 260 of the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

June 15, 2007

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 47, 2007 – approves an increase of \$1,348,908 in the 2007 Budget of the Information Services Agency (Information Services Internal Services Fund) to make the first of three annual payments for the financing of an upgrade to the Accela Automation system, a computer program used for planning, permitting, code enforcement, GIS and other citizen services, financed by a transfer of cash from the balance of the permits subfund of the Consolidated County Fund

FISCAL ORDINANCE NO. 48, 2007 – approves an increase of \$47,348 in the 2007 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to fund mental health services, sentencing consultants and an intra-family violence diversion program, funded by a federal grant administered by the Indiana Criminal Justice Agency

FISCAL ORDINANCE NO. 49, 2007 – approves an appropriation of \$807,200 in the 2007 Budget of the Department of Public Works (Non-Lapsing Federal Grants Fund) to purchase a total of 31 flexible-fuel cars and trucks, to install an E-85 fuel gas pump at DPW's 21st Street and Sherman Drive facility, and to purchase 10,000 environmentally-friendly gas cans for a gas can exchange program, all financed by federal highway Congestion Mitigation and Air Quality (CMAQ) grants administered by the Indiana Department of Transportation

FISCAL ORDINANCE NO. 50, 2007 – approves a transfer of \$123,019 from the 2007 Budget of the Lawrence Township Assessor (County General and Property Reassessment Funds) to the 2007 Budget of the Washington Township Assessor to pay for maintenance and licensing fees and services provided to the Marion County Township Assessors

FISCAL ORDINANCE NO. 51, 2007 – transfers \$20,000 in the 2007 Budget of the Marion County Board of Voter's Registration (County General Fund) to cover expenses for temporary staff to assist with entering and maintaining voter registration records

FISCAL ORDINANCE NO. 52, 2007 - approves an appropriation of \$192,800 in the 2007 Budget of the Department of Public Works (Consolidated County Fund) to cover the anticipated costs of operating and maintaining vehicles and fire apparatus currently owned by the Warren Township Fire Department that

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became part of the Indianapolis Fire Department as of July 1, 2007, financed by chargeback revenues to be received from the Indianapolis Fire Department

GENERAL ORDINANCE NO. 27, 2007 - amends the Code to clarify the qualifications of members of the air pollution control board

GENERAL ORDINANCE NO. 28, 2007 – amends the Code to create the Fleet Services Internal Service Fund

GENERAL ORDINANCE NO. 29, 2007 – amends the Code to revise the duties of the Indianapolis Fleet Services Division to add county vehicles to the management responsibilities of the Division and to allow for better management of vehicle replacements and reduce vehicle maintenance costs

SPECIAL ORDINANCE NO. 3, 2007 – authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis and the City of Lawrence for the construction of sewer and bridge improvements

GENERAL RESOLUTION NO. 10, 2007 – approves certain public purpose grants totaling \$1,543,500 for the support of the arts

SPECIAL RESOLUTION NO. 34, 2007 – proposes an ordinance of the Marion County Income Tax Council to impose a tax rate pursuant to IC 6-3.5-6-30 and IC 6-3.5-6-31

SPECIAL RESOLUTION NO. 35, 2007 – determines the need to lease approximately 6,819 square feet of additional space at 251 East Ohio Street for use by the Marion County Prosecutor's Office

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Sanders moved, seconded by Councillor Gibson, to move Proposal No. 264, 2007 to the top of the agenda following Introduction of Proposals. The motion carried by a unanimous voice vote.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of June 11, 2007. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 184, 2007. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 184, 2007 on May 16 and June 13, 2007. The proposal, sponsored by Councillor Franklin, appoints Joseph Williams to the Lawrence Economic Development Commission. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Franklin, for adoption. Proposal No. 184, 2007 was adopted by a unanimous voice vote.

Proposal No. 184, 2007 was retitled COUNCIL RESOLUTION NO. 63, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 63, 2007

A COUNCIL RESOLUTION appointing Joseph Williams to the Lawrence Economic Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Lawrence Economic Development Commission, the Council appoints:

Joseph Williams

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007 and until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 229, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 229, 2007 on May 29 and June 19, 2007. The proposal, sponsored by Councillors Gray, Conley and Brown, appoints Stephen Fenton to the City-County Internal Audit Committee. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Conley, for adoption. Proposal No. 229, 2007 was adopted by a unanimous voice vote.

Proposal No. 229, 2007 was retitled COUNCIL RESOLUTION NO. 64, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 64, 2007

A COUNCIL RESOLUTION appointing Stephen Fenton to the City-County Internal Audit Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City-County Internal Audit Committee, the Council appoints:

Stephen Fenton

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007 or until his successor is appointed and qualified.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 272, 2007. Councillor Gibson reported that the Municipal Corporations Committee heard Proposal No. 272, 2007 on June 18, 2007. The proposal, sponsored by Councillors Gray and Gibson, reappoints Danny Crenshaw to the Indianapolis Public Transportation Corporation Board. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum stated that Mr. Crenshaw has only had one year of attendance since he has been appointed to the board that was above 70%. He asked if there is a reason for this appointee's poor attendance record. Councillor Gibson said that he was not aware of poor attendance and Gil Holmes, Director of the Indianapolis Public Transportation Corporation, highly recommended the reappointment. Councillor Cockrum said that, due to his attendance record, he cannot vote to support the reappointment.

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Councillor Gibson moved, seconded by Councillor Oliver, for adoption. Proposal No. 272, 2007 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Bateman, Borst, Boyd, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*
1 NAYS: *Cockrum*

Proposal No. 272, 2007 was retitled COUNCIL RESOLUTION NO. 65, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 65, 2007

A COUNCIL RESOLUTION reappointing Danny Crenshaw to the Indianapolis Public Transportation Corporation Board

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Public Transportation Corporation Board, the Council reappoints:

Danny Crenshaw

SECTION 2. The appointment made by this resolution is for a term ending August 6, 2011, and/or until a successor is appointed and qualified.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 273, 2007. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 273, 2007 on June 20, 2007. The proposal, sponsored by Councillors Gibson and Oliver, appoints Jesse B. Lynch to the Board of Public Safety. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal No. 273, 2007 was adopted by a unanimous voice vote.

Proposal No. 273, 2007 was retitled COUNCIL RESOLUTION NO. 66, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 66, 2007

A COUNCIL RESOLUTION appointing Jesse B. Lynch to the Board of Public Safety.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Safety, the Council appoints:

Jesse B. Lynch

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007 pursuant to Sec. 251-231 of the Revised Code of the City and County.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 299, 2007. Introduced by Councillors Sanders, Gray, Conley, Brown and Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Installment Tax Payment Plan for certain real estate taxes "; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 300, 2007. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates bond proceeds from the Property Tax Relief Bond issue to provide additional homestead credits for 2007 "; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 301, 2007. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which amends Fiscal Ordinance No. 89, 2006 to thereby provide additional homestead credits for 2007 "; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 302, 2007. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the issuance of bonds to provide revenues to fund a homestead credit to help reduce residential property tax bills"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 303, 2007. Introduced by Councillors Nytes and Randolph. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which recommends the granting of an "Economic Development for a Growing Economy" Credit to Anaclim, LLC"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 304, 2007. Introduced by Councillors Nytes and Randolph. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which recommends the granting of an "Economic Development for a Growing Economy" Credit to Angel Learning, Inc."; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 305, 2007. Introduced by Councillors Mahern, Keller, Nytes and Abdullah. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$610,000 in the 2007 Budget of the Department of Metropolitan Development (Redevelopment General Fund) to grant funds for use by Clarian Health within the Biocrossroads Certified Technology Park, for the construction of a pedestrian bridge between two of its facilities, for sidewalk improvements and streetscape design, upgrading sewer and water services and for project management of these improvements"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 306, 2007. Introduced by Councillors Mahern, Keller, Nytes, Brown, Conley and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$53,761 in the 2007 Budget of the Department of Metropolitan Development (Consolidated County Fund) to fund salaries and benefits for two Legal Case Specialists to work with the abandoned vehicle and weed programs as well as with ordinance violations, financed by Permit revenues accounted for in the Consolidated County Fund"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 307, 2007. Introduced by Councillors Moriarty Adams, Pryor, Gray, Brown, Sanders and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance

which approves an increase of \$569,360 in the 2007 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds), for 2007-2008 Urban Search and Rescue Task Force operations, financed by grants from the US Department of Homeland Security-Federal Emergency Management Agency "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 308, 2007. Introduced by Councillors Moriarty Adams, McWhirter, Brown, Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$375,579 in the 2007 Budget of the Indianapolis Metropolitan Police Department (Federal Grants and Non-Lapsing Federal Grants Funds) to purchase 12 cameras for the Indianapolis Marion County Camera Project and to fund overtime for the Fatal Crash Reduction Effort and the High-Risk Robbery Initiative"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 309, 2007. Introduced by Councillors Moriarty Adams, Brown, Gray, Sanders and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$3,488,171 in the 2007 Budget of the Marion County Community Corrections Agency (State and Federal Grants Fund) to fund juvenile and adult community corrections programs during the period July 1, 2007 through June 30, 2008, financed by a grant from the Indiana Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 310, 2007. Introduced by Councillors Conley and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,650,000 in the 2007 Budget of the Department of Public Works, Indianapolis Fleet Services Division (Consolidated County Fund) to purchase 66 police cars for use by the Indianapolis Metropolitan Police Department, financed by a transfer of cash from the Redevelopment TIF Revenue Bonds Fund"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 311, 2007. Introduced by Councillors Conley and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis and the Town of Plainfield related to the development of the PepsiCo Facility and related infrastructure construction and improvement"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 312, 2007. Introduced by Councillors Conley and Keller. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the Office of Environmental Services to apply for grant assistance from IDEM to assist in funding services provided to residents through its ToxDrops Program"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 313, 2007. Introduced by Councillors Conley and Keller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code for the purpose of adding unlawful storage or parking of inoperable vehicles to the provisions relating to environmental public nuisances and administrative adjudication of environmental violations"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 314, 2007. Introduced by Councillors Conley and Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a 20-mile-per-hour speed limit in the Hartman Village (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 315, 2007. Introduced by Councillors Conley and Randolph. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a one-way restriction and intersection controls on 73rd Street between Woodland Drive and Zionsville Road (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 316, 2007. Introduced by Councillors Conley and Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of 44th Street and Sunset Avenue (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 317, 2007. Introduced by Councillors Conley and Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of 44th Street and Crown Street (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 318, 2007. Introduced by Councillors Gray, Sanders and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 536 of the Code to institute a green building rating system that provides specific principles and practices that may be applied during design, construction, and operation phases of buildings to achieve LEED certification"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 328, 2007. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert Thomas Burns to the Indianapolis Marion County Building Authority Board Of Trustees"; and the President referred it to the Administration and Finance Committee.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 264, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 264, 2007 on July 16 and 20, 2007. The proposal, sponsored by Councillors Conley, Nytes, Brown and Keller, proposes an ordinance of the Marion County Income Tax Council to impose a tax rate pursuant to IC 6-3.5-6-30 and IC 6-3.5-6-31. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Randolph stated that Indiana Code 35-44-1-3 (a) states that "a public servant who knowingly or intentionally has a pecuniary interest in; or derives a profit from; a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D felony." He stated that in IC 35-41-1-24, a public servant is defined as a person who "is authorized to perform an official function on behalf of, and is paid by, a governmental entity or is elected or appointed to office to discharge a public duty for a governmental entity." He stated that he believes because this increased tax rate is going to fund firefighter pay increases and he is employed as a full-time firefighter, he respectfully requests to abstain from voting on Proposal No. 264, 2007.

Councillor Sanders stated that all Councillors are elected to serve this body, and in this capacity, Councillor Randolph is first an elected official and not a public safety official. She said that she would like to hear an opinion from the Office of Corporation Counsel regarding this abstention. Kobi Wright, Corporation Counsel, stated that the Municipal Code also has the same type of language in its code of ethics, that states that an elected official must recuse himself if voting on

an item where he or a family member has a pecuniary interest. He said that Proposal No. 264, 2007, however, is a proposal to set a tax rate and has nothing to do with an individual or their financial interests per se. He said that there is nothing in the proposal that states exactly where this increase of tax rate must be spent.

Councillor Randolph said that when Councillor Sanders gave the committee report, she said that they are voting on a funding mechanism for public safety officials to receive increased pay in their contracts and pensions. He added that with all due respect, he believes Corporation Counsel's opinion and interpretation of this action to be wrong, as he was wrong in his last ruling when an ethics violation was presented to him. He said that he refuses to jeopardize his political career, and furthermore, risk a Class D felony over this vote and therefore, will abstain.

Mr. Wright said that it is a legal fact that the General Assembly has determined that public safety officials can sit on the City-County Council. In order to perform their duty fully, Councillors must vote on City budgets, and therefore, they must often vote on their own budget. He said that if this is the position Councillor Randolph is taking, he would not be able to vote on any budgets affected by taking money or giving money to public safety and would be overruling the State's determination of his ability to serve, as a public safety officer. Councillor Randolph stated that he is not voting on a budget this evening, but a tax increase.

Councillor Sanders stated that for every budget Councillor Randolph votes on, tax increases are included in those budgets, and this year will be the fourth budget Councillor Randolph has voted for. Councillor Randolph stated that all of those increases are not tied directly to his raise. Councillor Sanders said that they are all tied to it indirectly, as they all affect the overall Character 01. Mr. Wright added that a Homeland Security Grant could provide dollars to Character 01 of the budget and would affect Councillor Randolph's salary. He said that voting on such items would not be committing a crime. Councillor Randolph said that he believes voting on this issue would, in fact, be committing a crime.

President Gray denied Councillor Randolph's request to abstain from voting on Proposal No. 264, 2007. Councillor Borst appealed the chair's decision to disallow Councillor Randolph's abstention. Councillor Sanders stated that she believes the person who is making the request must make the appeal, and she asked for General Counsel Aaron Haith's ruling on this matter. Mr. Haith stated that the person whose request was denied should be making the appeal. Councillor Randolph stated that he does not have faith in Mr. Haith's legal ruling, either, as he agreed with Mr. Wright in allowing several members of this body to make grievous ethical errors. President Gray stated that he has denied Councillor Randolph's request to abstain and he can appeal that decision if he so wishes. Councillor Randolph moved, seconded by Councillor Schneider, to appeal and overrule the chair's decision, and added, however, that the President does not have the authority to deny him the right to abstain based on his conscience. President Gray stated that a "yea" vote will support Councillor Randolph's motion to overrule the chair's decision and will allow him to abstain. A "nay" vote will uphold the President's ruling and disallow Councillor Randolph's abstention. The President's ruling was upheld by the following roll call vote; viz:

13 YEAS: Borst, Cain, Cockrum, Day, Franklin, Lutz, McWhirter, Pfisterer, Plowman, Randolph, Schneider, Speedy, Vaughn

16 NAYS: Abdullah, Bateman, Boyd, Brown, Conley, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pryor, Sanders

Councillor Pfisterer stated that she would like to declare a conflict of interest due to the fact that she is married to a firefighter. President Gray stated that such abstention has been denied. Councillor Pfisterer stated that she was simply declaring the conflict and is not asking for permission to abstain.

Councillor Lutz stated that Councillor Randolph has made a moral decision based on his conscience to vote or not vote on this issue, and he does not understand why he is being forced to cast this ballot.

Mr. Haith said that Sec. 151-52 of the Council Rules allows Councillors to disclose their interest in such matters, and was worked out with State Legislature to permit public safety officials to provide a letter, as an exception to the statute, disclosing such interests, that will still allow them to vote on such far-reaching matters. Without this understanding, public safety officials might not be allowed to serve on the Council. He said that the Code provides for this procedure. He said that these signed letters by other members of the Council are made a matter of public record.

Councillor Lutz stated that he understands the provisions made, but does not understand how this body can force a person to vote against their conscience. Mr. Haith said that it is a Councillor's duty to vote on issues that legally come before the Council.

Councillor Plowman said that he respects Councillor Randolph's conscious decision to abstain. He said that he formerly worked for the Sheriff's Department and was allowed to abstain from voting on the Sheriff's Department portion of the budget every year as a member of this body. He said that after consulting with Mr. Haith and Mr. Wright, he feels comfortable voting this evening and will do so. However, he does not believe this body has the right to force someone to abstain, as many others of this body have been allowed to abstain from voting on issues where they felt they had a personal conflict.

Councillor Mansfield asked if the President or Mr. Haith could address the issue of decorum during Council meetings, as there seems to be an inordinate amount of disrespect in the chamber this evening. Mr. Haith stated that two public meetings have already been held on this proposal where public input was allowed. He stated that the item is under Final Adoption this evening and therefore is not open for public testimony. He asked that the audience refrain from yelling and applauding so as not to interrupt the meeting.

Councillor Mahern said that he will be voting against this proposal. He said that over 75% of properties in his district faced over a 50% increase in their property tax assessment. He said that these are hard-working people who work every day to pay their bills and he cannot, in good faith, take more money out of their pockets, not knowing what their true assessments will be. He said that he is not naïve enough to know that some things will go unfunded without this increase. However, the underlying problem of too much government and too many people without a say is the underlying problem that needs to be addressed. He said that the lowest income areas are those hit the hardest and his district cannot afford any more abandoned homes. He said that until there are government reforms to give the people relief, he cannot support any increases. He said that there are still County agencies that continue to hire people living outside of Marion County, who do not pay County Option Income Taxes (COIT) or property taxes, yet are a strain on Marion County services. He said that they need to demand that officials only hire within Marion County.

Councillor Oliver called for a point of order and stated that Councillor Mahern has gotten off the point and is using this platform as a soapbox.

Councillor Cain said that Council members have a fiduciary trust relationship with the voters. Since she has served on this Council, for almost four years, this body has raised taxes 18 times, and every year this administration declares a “crisis” as the reason to raise those taxes. She said that she has consistently voted against these tax increases, because she believes the problem is not that the City does not have enough money, but in how the money they have is being managed. She said that she refuses to be a part of taking hard-earned money from the taxpayers and giving it to an administration that has proved incompetent in fiscal management.

Councillor Keller said that the people of District 16 have said that their number one priority is public safety, and therefore, he will vote to support this proposal to allow for 100 new officers on the street. He added that the increase will settle the unfunded pension liability once and for all, and he will vote yes to fund public safety and stabilize communities.

Councillor Langsford said that his district has often respected him for making hard decisions even when he does not really want to do so or if the choice is not so popular, but leadership requires making such difficult decisions. However, he thinks it is important that public safety officials be taken care of, like his uncle and former officer Fred Sease. He said that freedom is not free, and to raise families in a safe and secure environment, taxpayers are often asked to contribute.

Councillor Schneider said that he is getting tired of hearing about big tough decisions which are just an excuse for spending other peoples’ money. He said that the Mayor asked this body to trust him in consolidation to save money, and then asked them to raise the COIT to 1% last year to again save money and protect citizens. He said that he is now back asking for another \$90 million. He said that there are cuts and efficiencies that can be made and they need to stop feeding the beast.

Councillor Conley called for the question on Proposal No. 264, 2007. Councillor Schneider stated that there are Council members who have already raised their hands to be recognized to speak and every member should get a chance to speak if they so wish. Councillor Conley said that Councillors have said all they need to say and everyone’s mind is already made up as to how they will vote.

President Gray called for a vote on the motion to call for the question and end debate on Proposal No. 264, 2007. The motion carried on the following roll call vote; viz:

16 YEAS: Abdullah, Bateman, Boyd, Brown, Conley, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pryor, Sanders
13 NAYS: Borst, Cain, Cockrum, Day, Keller, Lutz, McWhirter, Pfisterer, Plowman, Randolph, Schneider, Speedy, Vaughn

Councillor Sanders moved, seconded by Councillors Gibson and Moriarty Adams, for adoption. Proposal No. 264, 2007 was adopted on the following roll call vote; viz:

15 YEAS: Abdullah, Bateman, Boyd, Brown, Conley, Gibson, Gray, Keller, Langsford, Mansfield, Moriarty Adams, Nytes, Oliver, Pryor, Sanders
13 NAYS: Borst, Cain, Cockrum, Day, Franklin, Lutz, Mahern, McWhirter, Pfisterer, Plowman, Schneider, Speedy, Vaughn
1 NOT VOTING: Randolph

President Gray asked Councillor Randolph to cast his vote, stating that all members in the chamber must cast a vote. Councillor Randolph stated that he will not be leaving the chamber and will not be voting.

Councillor Borst asked for consent to explain his vote. Consent was given. Councillor Borst said that he is very disappointed that President Gray allowed debate to be cut off on such an important issue. He said that every Councillor should be allowed to speak to such an important matter. He said that this administration has already borrowed a quarter of a million dollars and raised taxes 18 times to help with public safety initiatives, and the city is still in a mess. He said that Councillor Randolph tried to offer a fix a couple of years ago and was ignored and this evening he did not even get a chance to offer a property tax relief amendment to the proposal because debate was ended abruptly. He said that he believes this is a premature action and that help should be sought from the State Legislature on pension relief and welfare reform. He said that he is disappointed in the leadership of this body this evening.

President Gray said that he is disappointed in the Minority Leader who has been invited to all the public meetings, and yet waits until the last minute to try and offer an amendment. Councillor Borst said that he has been in a learning phase and has been listening to the discussions trying to figure out what was going on with this proposal before offering any suggestions. He said more discussion is needed.

Councillor Nytes said that they originally analyzed some ways to offer property tax relief through this proposal, but it was not clear and equitable and would provide relief even to those whose taxes went down. She said that State Legislature gave them this tool to help combat some of the problems the city faces, and they cannot gamble on a favorable answer from the State regarding pension and welfare.

Councillor Boyd stated that he has been a part of this body for many years and sat in on many budget hearings. This body made a deliberate decision to be passive about public safety unfunded liabilities and passed budgets without raising taxes. He said that they continued to gamble on getting by one more year. The Council has postponed the day of reckoning but can no longer afford to postpone making tough decisions.

Councillor Brown said that there have been lots of meeting and lots of phone calls regarding this issue. He said that he is disappointed that a firefighter member of this body who ran on a public safety platform would be cowardly enough not to vote on this issue. He said that he is not afraid to do the right thing. Councillor Randolph called for a point of order and said that Councillor Brown cannot call him a coward in public and then the President not allow him to respond. Councillor Conley said that Councillors Randolph and Brown should take this matter up outside of these chambers.

Councillor Sanders called for a point of order and said that this discussion has gone beyond the parameters of explaining votes, which only allows one minute per Councillor and is not open for further debate.

Councillor Speedy stated that he would like to explain his vote. Consent was given. Councillor Speedy said that this proposal does more harm than good and is biting the hand that feeds this body. He said that those who are hit with higher taxes will move outside the County and leave abandoned properties. He said that he did not feel the process was thoroughly reviewed and spending cuts could have been considered before taking this step. He said that this body did not take into consideration families who are already living beyond their means, and now even moreso.

July 23, 2007

Proposal No. 264, 2007 was retitled SPECIAL RESOLUTION NO. 36, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 36, 2007

A PROPOSAL FOR A RESOLUTION of the City-County Council of Indianapolis and of Marion County, Indiana proposing an ordinance of the Marion County Income Tax Council to impose a tax rate pursuant to I.C. 6-3.5-6-30 and I.C. 6-3.5-6-31, to increase the rate of the County Option Income Tax effective October 1, 2007, and to cast the vote of the City-County Council on said ordinance.

WHEREAS, the Indiana General Assembly established the County Option Income Tax pursuant to I.C. 6-3.5-6, *et seq.*; and

WHEREAS, I.C. 6-3.5-6-2 established the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the City Council of Southport, and the Town Council of Speedway; and,

WHEREAS, pursuant to I.C. 6-3.5-6-8, the Marion County Income Tax Council imposed the county option income tax in 1984; and

WHEREAS, I.C. 6-3.5-6-30(a) provides that the Marion County Income Tax Council may adopt an ordinance to impose an additional tax rate in Marion County from October 1, 2007 through September 30, 2008, and from October 1, 2008 through September 30, 2009, the additional tax rate for the year ending September 30, 2008 equaling the tax rate jointly determined for Marion County by the Department of Local Government Finance and the Department of State Revenue pursuant to I.C. 6-3.5-1.5-1(a) multiplied by one and five-tenths (1.5), and the additional tax rate for the year ending September 30, 2009 and each year thereafter equaling the tax rate jointly determined for Marion County by the Department of Local Government Finance and the Department of State Revenue pursuant to I.C. 6-3.5-1.5-1(b); and

WHEREAS, in 2008, one-third of the tax revenue that is attributable to the additional tax rate adopted under I.C. 6-3.5-6-30 must be deposited in a county stabilization fund established under that section; and

WHEREAS, I.C. 6-3.5-6-31 provides that the Marion County Income Tax Council, after adopting an income tax increase pursuant to I.C. 6-3.5-6-30, may adopt an ordinance to impose an additional income tax rate for public safety; and

WHEREAS, the public safety needs of Marion County are such that adopting an additional income tax rate for the sole benefit of public safety is in the best interests of the residents of Marion County; and

WHEREAS, the Marion County Income Tax Council must adopt an ordinance to effect an increase of the county option income tax rate pursuant to I.C. 6-3.5-6-30 and I.C. 6-3.5-6-31 on or before August 1, 2007; and

WHEREAS, the City-County Council wishes to propose an ordinance of the Marion County Income Tax Council to (a) effect an increase of the county option income tax rate pursuant to I.C. 6-3.5-6-30, and (b) effect an increase of the county option income tax rate pursuant to I.C. 6-3.5-6-31; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council proposes an ordinance of the Marion County Income Tax Council to increase the county option income rate pursuant to I.C. 6-3.5-6-30 and I.C. 6-3.5-6-31.

SECTION 2. The City-County Council casts its 92.04 votes in favor of the proposed ordinance of the Marion County Income Tax Council which ordinance is attached hereto.

SECTION 3. The City Clerk of the City of Indianapolis is hereby ordered to deliver an original executed copy of this Resolution and the proposed ordinance of the Marion County Income Tax Council to the Auditor of Marion County forthwith so that the Auditor of Marion County shall deliver copies of said proposed ordinance to other members of the County Income Tax Council, namely, the City Council of the City of Beech Grove, the City Council of the City of Lawrence, the Town Council of the Town of Speedway and the City Council of the City of Southport, after receipt from the City Clerk and so that the

other members of the Marion County Income Tax Council shall, after receipt from the Auditor of Marion County, vote on said proposed ordinance.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

EXHIBIT A

**AN ORDINANCE OF THE MARION COUNTY INCOME TAX COUNCIL
INCREASING THE COUNTY OPTION INCOME TAX RATE**

WHEREAS, the Indiana General Assembly established the county option income tax pursuant to I.C. 6-3.5-6, *et seq.*; and

WHEREAS, I.C. 6-3.5-6-2 established the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the City Council of Southport, and the Town Council of Speedway; and,

WHEREAS, I.C. 6-3.5-6-8 permits the Marion County Income Tax Council to impose the county option income tax on county taxpayers; and,

WHEREAS, the Marion County Income Tax Council imposed the county option income tax in 1984; and

WHEREAS, I.C. 6-3.5-6-30(a) provides that the Marion County Income Tax Council may adopt an ordinance to impose an additional tax rate in Marion County from October 1, 2007 through September 30, 2008, and from October 1, 2008 through September 30, 2009, the additional tax rate for the year ending September 30, 2008 equaling the tax rate jointly determined by the Department of Local Government Finance and the Department of State Revenue pursuant to I.C. 6-3.5-1.5-1(a) multiplied by one and five-tenths (1.5), and the additional tax rate for the year ending September 30, 2009 and each year thereafter equaling the tax rate jointly determined for Marion County by the Department of Local Government Finance and the Department of State Revenue pursuant to I.C. 6-3.5-1.5-1(b); and

WHEREAS, the certified distribution of the tax revenue attributable to the additional tax rate adopted pursuant to I.C. 6-3.5-6-30 must be applied toward property tax replacement distribution amounts to each civil taxing unit that had a maximum permissible property tax levy limited under I.C. 6-1.1-18.5-3(g), for deposit in the county family and children's fund, for deposit in the county children's psychiatric residential treatment services fund, and for distribution to the county for community mental health center purposes; and

WHEREAS, in 2008, one-third of the tax revenue that is attributable to the tax rate adopted under I.C. 6-3.5-6-30 must be deposited in a county stabilization fund established in that section; and

WHEREAS, I.C. 6-3.5-6-31 provides that the Marion County Income Tax Council, after adopting an income tax increase pursuant to I.C. 6-3.5-6-30, may adopt an ordinance to impose an additional income tax rate for public safety; and

WHEREAS, the certified distribution of tax revenue attributable to the additional tax rate adopted pursuant to I.C. 6-3.5-6-31 must be distributed to Marion County and each municipality located within Marion County, and such tax revenue must be deposited into a separate account or fund and may be appropriated only for public safety purposes; and

WHEREAS, the public safety needs of Marion County are such that adopting an additional income tax rate for the sole benefit of public safety is in the best interests of the residents of Marion County; and

WHEREAS, the Marion County Income Tax Council must adopt an ordinance to effect an increase of the county option income tax rate pursuant to I.C. 6-3.5-6-30 and I.C. 6-3.5-6-31 on or before August 1, 2007; and

WHEREAS, the Marion County Income Tax Council wishes to (a) effect an increase of the county option income tax rate pursuant to I.C. 6-3.5-6-30; and (b) effect an increase of the county option income tax rate pursuant to I.C. 6-3.5-6-31; now, therefore:

BE IT ORDAINED BY THE

July 23, 2007

MARION COUNTY INCOME TAX COUNCIL

SECTION 1. Pursuant to I.C. 6-3.5-6-30, the Marion County Income Tax Council hereby imposes an additional county option income tax rate of two tenths of one percent (.2%) from October 1, 2007 through September 30, 2008, and three tenths of one percent (.3%) from October 1, 2008 through September 30, 2009 and thereafter, each such rate being jointly calculated by the Department of Local Government Finance and the Department of State Revenue for Marion County pursuant to I.C. 6-3.5-1.5-1.

SECTION 2. A county stabilization fund is hereby established in Marion County pursuant to 6-3.5-6-30(o). The county stabilization fund shall be administered by the Auditor of Marion County. If for a year the certified distributions attributable to the tax rate adopted under section 1 of this ordinance exceed the amount calculated under I.C. 6-3.5-1.5-1(a) that is used by the Department of Local Government Finance and the Department of State Revenue to determine the tax rate under section 1, the excess shall be deposited in the county stabilization fund. The Auditor of Marion County shall distribute money from the county stabilization fund in a year to political subdivisions pursuant to I.C. 6-3.5-6-30(o).

SECTION 3. In 2008, one-third (1/3) of the tax revenue that is attributable to the tax rate under section 1 of this ordinance must be deposited in the county stabilization fund.

SECTION 4. Having imposed an income tax rate under I.C. 6-3.5-6-30, the Marion County Income Tax Council hereby imposes an additional income tax rate of forty five one hundredths of one percent (.45%) from October 1, 2007 through September 30, 2008, and thirty five one hundredths of one percent (.35%) from October 1, 2008 through September 30, 2009, pursuant to I.C. 6-3.5-6-31 to provide funding for public safety, as defined in I.C. 6-3.5-6-31(a).

SECTION 5. The Auditor of Marion County shall send a certified copy of this ordinance to the Department of State Revenue and the Department of Local Government Finance by certified mail.

SECTION 6. Not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under I.C. 6-3.5-6-31, the Auditor of Marion County shall distribute said portion to the county and each municipality in the county pursuant to I.C. 6-3.5-6-31(f). Revenue distributed to the county under I.C. 6-3.5-6-31 may be appropriated only for public safety purposes.

SECTION 7. This ordinance shall be in full force and effect on and after the first day of October, 2007.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 319-321, 2007 and PROPOSAL NOS. 322-327, 2007. Introduced by Councillor Mahern. Proposal Nos. 319-321, 2007 and Proposal Nos. 322-327, 2007 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 13, 2007. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 60-68, 2007, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 60, 2007.

2007-ZON-025 (Amended)

2351, 2354, 2366, 2408 AND 2410 NORTH COLLEGE AVENUE (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

THE DEPARTMENT OF METROPOLITAN DEVELOPMENT, CITY OF INDIANAPOLIS, requests rezoning of 0.6134 acre, from the C-1 District, to the D-8 classification to provide residential development.

REZONING ORDINANCE NO. 61, 2007.

2007-ZON-041

2329 HOVEY STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

MT. NEBO MISSIONARY BAPTIST CHURCH requests rezoning of 0.113 acres, from the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 62, 2007.

2007-ZON-810

7231 EAST THOMPSON ROAD (Approximate Address), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25

INTERIOR SPECIALTIES INC., by David Retherford, requests rezoning of four acres, from the D-A and D-3 Districts, to the I-2-S classification to provide for light industrial uses.

REZONING ORDINANCE NO. 63, 2007.

2006-ZON-143

5500 AND 5750 EAST TROY AVENUE (Approximate Address), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 25

WARD LAND DEVELOPMENT, LLC, by Stephen D. Mears requests rezoning of 41.08 acres, from the D-A District, to the D-4 classification to provide for residential uses.

REZONING ORDINANCE NO. 64, 2007.

2007-ZON-004

2200, 2205 AND 2211 NORTH HAWTHORNE LANE (Approximate Address), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 17

21ST ELDERLY II, L.P., by Timothy E. Ochs, requests rezoning of 7.43 acres, from the D-A District, to the D6-II classification to provide for the construction of multi-family residential dwellings.

REZONING ORDINANCE NO. 65, 2007.

2007-ZON-028

2134 SOUTH SHELBY STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19

COREY ROWLAND, by Robert R. Hill requests rezoning of 0.122 acre, from the C-2 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 66, 2007.

2007-ZON-034

2000 STOP 12 ROAD (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

INDIANA CHIN BAPTIST CHURCH, by Cameron F. Clark, requests rezoning of 2.57 acres, from the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 67, 2007.

2007-ZON-035

631 EAST NEW YORK STREET AND 624 EAST MIAMI STREET (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

INDIANAPOLIS MEDICAL SOCIETY INC., by Raymond Good, requests rezoning of 0.72 acre, from the I-3-U District, to the CBD-2 classification to legally establish a parking lot and Medical Society facility.

REZONING ORDINANCE NO. 68, 2007.

2007-ZON-816

2541, 2714 AND 2716 WEST 30TH STREET AND 2545, 2546, 2549 AND 2648 TYRONE DRIVE (Approximate Addresses), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 8

MARIAN COLLEGE, INC., by Zeff A. Weiss, requests rezoning of 3.37 acres, from the D-4 (W-5) and SU-2 (W-5) Districts, to the SU-2 classification to provide for educational uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 270, 2007. The proposal, sponsored by Councillor Mahern, is a rezoning ordinance for Warren Township, Councilmanic District 21, 11118 and 11122 East Washington

July 23, 2007

Street (2006-ZON-856). At the June 11, 2007 meeting of the City-County Council, Councillor Langsford called Proposal No. 270, 2007 out for public hearing on July 23, 2007.

Councillor Langsford read the following motion:

Mr. President:

Remonstrators and petitioners have reached a compromise regarding Proposal No. 270, 2007, and have agreed to abide by negotiated commitments. Therefore, I move that Proposal No. 270, 2007 (Rezoning Petition No. 2006-ZON-856) be adopted pending written commitments and signature.

Councillor Gibson seconded the motion, and by a unanimous vote, Proposal No. 270, 2007, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, was retitled for identification as REZONING ORDINANCE NO. 69, 2007, the original copy of which ordinance is on file with the Metropolitan Development Commission, which was certified as follows:

REZONING ORDINANCE NO. 69, 2007.

2006-ZON-856

11118 AND 11122 EAST WASHINGTON STREET (Approximate Address) INDIANAPOLIS
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21

PARAGON DEVELOPMENT, LLC, by Roger Kilmer, requests rezoning of 0.95 acre, from the D-5 District, to the C-4 classification to provide for community-regional commercial uses.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 274-276, 2007 on June 20, 2007. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 274, 2007. The proposal, sponsored by Councillors Moriarty Adams, Conley and Brown, appropriates \$187,521 in the 2007 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund a "Fatality Crash Reduction Effort" focusing on reducing crashes on local roadways and county interstates, funded by a grant to the Marion County Traffic Safety Partnership from the Indiana Criminal Justice Institute. PROPOSAL NO. 275, 2007. The proposal, sponsored by Councillors Brown, Moriarty Adams, Langsford, Conley, Sanders and Gray, approves an increase of \$5,298,919 in the 2007 Budget of the Department of Public Safety, Fire Division (Fire Service District and Fire Pension Funds) to provide operational expenses, including salaries, benefits, supplies, contracts and equipment associated with the consolidation of the Warren Township Fire Department into the Indianapolis Fire Department, financed by 2007 tax levy, County Option Income Tax and other revenues transferred from Warren Township to the City of Indianapolis. PROPOSAL NO. 276, 2007. The proposal, sponsored by Councillors Moriarty Adams, Brown and Sanders, approves an increase of \$47,348 in the 2007 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to fund mental health services, sentencing consultants and an intra-family violence diversion program, funded by a federal grant administered by the Indiana Criminal Justice Agency. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Gray called for public testimony at 8:19 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 274-276, 2007 were adopted on the following roll call vote; viz:

25 YEAS: Abdullah, Bateman, Borst, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Vaughn
3 NAYS: Cain, Schneider, Speedy
1 NOT VOTING: Langsford

Proposal No. 274, 2007 was retitled FISCAL ORDINANCE NO. 63, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 63, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating One Hundred Eighty-seven Thousand Five Hundred Twenty-one Dollars (\$187,521) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (c) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor. The Marion County Traffic Safety Partnership, which operates under the auspices of the Marion County Prosecutor, has been awarded a \$187,521 "Fatality Crash Reduction Effort" grant from the Indiana Criminal Justice Institute. This grant will focus on reducing crashes on local roadways and county interstates by increasing enforcement efforts in these areas. The enforcement will be a multi-agency effort between IMPD, Beech Grove P.D., Lawrence P.D., Speedway P.D., Cumberland P.D. and the Indiana State Police.

SECTION 2. The sum of One Hundred Eighty-seven Thousand Five Hundred Twenty-one Dollars (\$187,521) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	3,000
2. Supplies	0
3. Other Services and Charges	184,521
4. Capital Outlay	0
TOTAL INCREASE	187,521

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	187,521
TOTAL REDUCTION	187,521

SECTION 5. This grant does not require a local match.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7 This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 275, 2007 was retitled FISCAL ORDINANCE NO. 64, 2007, and reads as follows:

July 23, 2007

CITY-COUNTY FISCAL ORDINANCE NO. 64, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (Fire Special Service District Fiscal Ordinance No. 1, 2006) appropriating Five Million Two Hundred Ninety-Eight Thousand Nine Hundred Nineteen Dollars (\$5,298,919) in the Fire Special Services Fund and Fire Pension Fund, for purposes of the Fire Division of the Department of Public Safety.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated to provide operational expenses, including salaries, benefits, supplies, contracts and equipment associated with the consolidation of the Warren Township Fire Department into the Indianapolis Fire Department, financed by 2007 tax levy, county option income tax and other revenues transferred from Warren Township to the City of Indianapolis.

SECTION 2. The sum of Five Million Two Hundred Ninety-Eight Thousand Nine Hundred Nineteen Dollars (\$5,298,919) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriated balance as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

1. Personal Services
2. Supplies
3. Other Services and Charges
4. Capital Outlay
5. Internal Charges
- TOTAL INCREASE

FIRE SPECIAL SERVICES FUND

4,346,770
24,500
34,000
0
39,084
4,444,354

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

1. Personal Services
2. Supplies 0
3. Other Services and Charges
4. Capital Outlay
5. Internal Charges
- TOTAL INCREASE

FIRE PENSION FUND

854,565

0
0
0
854,565

SECTION 4. The said additional appropriations are funded by the following reductions:

FIRE SPECIAL SERVICES FUND

- Unappropriated and Unencumbered
Fire Special Services Fund
TOTAL REDUCTION

4,444,354
4,444,354

FIRE PENSION FUND

- Unappropriated and Unencumbered
Fire Pension Fund
TOTAL REDUCTION

854,565
854,565

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 276, 2007 was retitled FISCAL ORDINANCE NO. 65, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Forty Seven Thousand Three Hundred Forty Eight Dollars (\$47,348) from the State and Federal Grants Fund for purposes of the Marion County Public Defender Agency and reducing the unappropriated and unencumbered balance of the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (b) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated to allow the Marion County Public Defender Agency (MCPDA) to implement the following programs, all funded by a U.S. Department of Justice grant administered by the Indiana Criminal Justice Agency, and covering the period July 1, 2007 through December 31, 2007.

1. Juvenile Intra-Family Violence Diversion Program - \$18,000
The MCPDA contracted with Catholic Charities (formerly Catholic Social Services) in August of 2005 to provide juvenile clients and their parents with education through its Family Growth curriculum. This program targets MCPDA juvenile offenders charged with violence on a family member, and their parents. Clients and families deemed appropriate for this program receive 6 weeks of education and therapy at the cost of approximately \$1,000 per client. Juveniles will be seen separately from parents for the initial 4 sessions; the last 2 sessions reunite juveniles and families. At successful completion of the program, criminal charges are dismissed. Of the 40 juveniles who began the Program in 2006, 35, or 87.5%, successfully completed the program.
2. Sentencing Consultants for Adult Court - \$4,000
As the majority of adult offenders spend less than 3 years behind bars, it is prudent to create sentencing plans that utilize community-based sanctions and treatment options. Such plans allow offenders to learn to live and cope crime-free in their community environment, as opposed to the sterile, artificial, and extremely costly existence in jail or prison. (The cost to house an adult in the IN Department of Correction for 1 year is \$21,531.35, per their website, as of 1-7-07.) MCPDA contracts with persons knowledgeable in fields such as mental health, substance abuse, and community resources to write comprehensive sentencing memoranda for presentation at court. MCPDA adult clients having especially complex and multi-issue cases are targeted. Sentencing Consultants are paid \$18.00/hour, with a cap of \$375.00 per case. Eighteen adult cases were assigned to Sentencing Consultants in 2006; 1 case is still pending, and in 1 case, the defendant was found not guilty at jury trial. Of the 16 disposed cases, Sentencing Consultant recommendations were accepted, in whole or in part, in 15 cases (93.7%).
3. Contract with Midtown Mental Health Center - \$25,348
MCPDA contracts with Midtown Mental Health Center to provide the services of the Mental Health Coordinator, who acts as a liaison between mentally ill inmates represented by MCPDA, our attorneys and the courts. Specific duties include identification of mentally ill inmates, referral of inmates to the Jail Medical Office for medication evaluation, screening of inmates for alternative sentencing referral, notifying public defenders and the court of inmates needing evaluation for competency to stand trial, and facilitating pre-trial release and discharge planning. In 2006, 459 inmates were evaluated for mental health issues, resulting in 1,257 encounters providing case-management services; 463 cases referred for mental health diversion, and 124 referrals were made to community Corrections Mental Health Component.

SECTION 2. The sum of Forty Seven Thousand Three Hundred Forty Eight Dollars (\$47,348) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PUBLIC DEFENDER AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	47,348
4. Capital Outlay	0
TOTAL INCREASE	47,348

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	47,348
TOTAL REDUCTION	47,348

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SECTION 5. Matching funds equal to 40% of the total cost of the programs will come mainly from existing County General Fund appropriations in the budget of the Marion County Public Defender. In addition, a small amount of the local match (\$3,452) will be provided by the Midtown Mental Health Center.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 283, 2007. Councillor Conley reported that the Public Works Committee heard Proposal No. 283, 2007 on June 21, 2007. The proposal, sponsored by Councillors Conley, Mahern, Vaughn and Sanders, approves an appropriation of \$807,200 in the 2007 Budget of the Department of Public Works (Non-Lapsing Federal Grants Fund) to purchase a total of 31 flexible-fuel cars and trucks, to install an E-85 fuel gas pump at DPW's 21st Street and Sherman Drive facility, and to purchase 10,000 environmentally-friendly gas cans for a gas can exchange program, all financed by federal highway Congestion Mitigation and Air Quality (CMAQ) grants administered by the Indiana Department of Transportation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Gray called for public testimony at 8:23 p.m. There being no one present to testify, Councillor Conley moved, seconded by Councillor Mahern, for adoption. Proposal No. 283, 2007 was adopted on the following roll call vote; viz:

28 YEAS: Abdullah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Franklin

Proposal No. 283, 2007 was retitled FISCAL ORDINANCE NO. 66, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 66, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Eight Hundred Seven Thousand Two Hundred Dollars (\$807,200) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Works, and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (j) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works to purchase a total of 31 flexible-fuel cars and trucks, to install an E-85 fuel gas pump at DPW's 21st Street and Sherman Drive facility, and to purchase 10,000 environmentally-friendly gas cans for a gas can exchange program, all financed by federal highway Congestion Mitigation and Air Quality (CMAQ) grants administered by the Indiana Department of Transportation.

SECTION 2. The sum of Eight Hundred Seven Thousand Two Hundred Dollars (\$807,200) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	120,600
3. Other Services and Charges	1,000
4. Capital Outlay	685,600
5. Internal Charges	<u>0</u>
TOTAL INCREASE	807,200

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>807,200</u>
TOTAL REDUCTION	807,200

SECTION 5. These grants require a 20% local match. A total of \$171,400 will be spent over the three year period 2007-2009 to match the grants for purchase of the flexible-fuel vehicles and E-85 pump. This match will come from current and future year appropriations in the DPW budget. DPW staff time over two years will be used as all or part of the \$30,400 match for the Gas Can Exchange program.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - UNFINISHED BUSINESS

Councillor Borst stated that Proposal Nos. 182 and 256, 2007 are still listed under pending this evening and have not yet been heard in Committee, even though both those Committees to which these proposals have been referred have met. He said that the rules of the Council are being broken because these proposals have not been heard within 45 days from their introduction. General Counsel Aaron Haith stated that Councillor Borst is out of order at this time. Councillor Borst asked where in the agenda he should bring up this issue if not under Unfinished Business. Mr. Haith said that it would be appropriate under New Business.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 230, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 230, 2007 on May 29 and June 19, 2007. The proposal, sponsored by Councillor Mahern, approves a transfer of \$123,019 from the 2007 Budget of the Lawrence Township Assessor (County General and Property Reassessment Funds) to the 2007 Budget of the Washington Township Assessor to pay for maintenance and licensing fees and services provided to the Marion County Township Assessors. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Mahern, for adoption. Proposal No. 230, 2007 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*
0 NAYS:
1 NOT VOTING: *Franklin*

Proposal No. 230, 2007 was retitled FISCAL ORDINANCE NO. 67, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) transferring Thirty Six Thousand Two Hundred Sixty Seven (\$36,267) in the Property Reassessment Fund and Eighty Six Thousand Seven Hundred Fifty Two Dollars (\$86,752) in the County General Fund for purposes of the Marion County Township Assessors.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.04 (g) and (k) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Washington Township Assessor to pay for maintenance and licensing fees and services provided to the Township Assessors, financed by a transfer from the budget of the Lawrence Township Assessor.

SECTION 2. The sum of One Hundred Twenty-Three Thousand Nineteen Dollars (\$123,019) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	61,752
4. Capital Outlay	<u>25,000</u>
TOTAL INCREASE	86,752

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	36,267
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	36,267

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>LAWRENCE TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	61,752
4. Capital Outlay	<u>25,000</u>
TOTAL DECREASE	86,752

<u>LAWRENCE TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	36,267
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	36,267

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14

PROPOSAL NO. 251, 2007. Councillor Conley reported that the Public Works Committee heard Proposal No. 251, 2007 on June 21, 2007. The proposal, sponsored by Councillors Conley and Keller, amends the Code to clarify the qualifications of members of the air pollution control board. By a 5-0 vote, the Committee reported the proposal to the Council with the

recommendation that it do pass. Councillor Conley moved, seconded by Councillor Keller, for adoption. Proposal No. 251, 2007 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn

0 NAYS:

1 NOT VOTING: Franklin

Proposal No. 251, 2007 was retitled GENERAL ORDINANCE NO. 30, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to clarify the qualifications of members of the air pollution control board.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 511-202 of the "Revised Code of the Consolidated City and County," regarding composition of the air pollution control board, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 511-202. Composition of board.

(a) The membership of the air pollution control board shall consist of the following persons appointed as provided:

- (1) A ~~professional engineer, registered in the State of Indiana~~ member who has received a bachelor of science degree in engineering from an accredited university, knowledgeable and experienced in air pollution control, appointed by the mayor.
- (2) A physician, licensed in the State of Indiana, knowledgeable and experienced in toxicology or respiratory disease, appointed by the city-county council.
- (3) An attorney, admitted to the Indiana bar, appointed by the mayor.
- (4) A member knowledgeable and experienced in ~~solid waste disposal~~ environmental matters and public health, representing the public interest, appointed by the city-county council.
- (5) A member knowledgeable and experienced in fuel technology and combustion, appointed by the mayor.
- (6) A member knowledgeable and experienced in ~~process manufacturing~~ environmental matters and representing small business, appointed by the city-county council.
- (7) A member representing industry, appointed by the mayor.
- (8) A member ~~representing labor~~ representing labor who is knowledgeable and experienced in public safety or emergency management, appointed by the city-county council.
- (9) A member representing the public at large, appointed by the mayor.

(b) As mandated by the Clean Air Act of 1990, members representing at least a majority of the board shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits or enforcement orders under the Clean Air Act of 1990.

(c) As mandated by the Clean Air Act of 1990, all members shall disclose any potential conflicts of interest relating to permits or enforcement orders under the Clean Air Act of 1990.

SECTION 2. Notwithstanding the effective date provided in SECTION 5 of this ordinance, the amendments provided in SECTION 1 of this ordinance shall not apply to those persons who are members

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of the air pollution control board on the date this ordinance is adopted, and such members shall be qualified to serve the remainder of their terms as such terms were established by Sec. 511-203 of the Revised Code of the Consolidated City and County.

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 255, 2007. Acting Chair Sanders reported that the Rules and Public Policy Committee heard Proposal No. 255, 2007 on June 12, 2007. The proposal, sponsored by Councillors Gibson and Pfisterer, approves the Mayor's establishment of a charter school, "Honor Charter Academy," by issuing a charter to Honor Charter Academy, Inc.

Councillor Borst stated that because Councillor Sanders cast the negative vote, the Council Rules state that one voting in the minority cannot make the Committee recommendation report to the full Council. Councillor Boyd reported on the Committee's recommendation of the proposal and stated that by a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal No. 255, 2007 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Schneider, Speedy, Vaughn*
1 NAY: *Sanders*
1 NOT VOTING: *Franklin*

Proposal No. 255 2007 was retitled COUNCIL RESOLUTION NO. 67, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 67, 2007

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, "Honor Charter Academy" by issuing a charter to Honor Charter Academy, Inc.

WHEREAS, the Mayor is authorized by IC 20-24 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-24-3-5 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter to Honor Charter Academy, Inc. for a charter school named "Honor Charter Academy;" now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "Honor Charter Academy" by issuing a charter to Honor Charter Academy, Inc.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

PROPOSAL NO. 265, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 265, 2007 on June 19, 2007. The proposal, sponsored by Councillors Plowman, Brown, Langsford and Conley, determines the need to lease approximately 6,819 square feet of additional space at 251 East Ohio Street for use by the Marion County Prosecutor's Office. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 265, 2007 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Bateman, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Borst

Proposal No. 265, 2007 was retitled SPECIAL RESOLUTION NO. 37, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 2007

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately six thousand, eight hundred and nineteen (6,819) square feet of additional space at 251 East Ohio Street, Indianapolis, Indiana, for use by the Marion County Prosecutor's Office.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of additional space for use by the Marion County Prosecutor's Office, is needed.

SECTION 2. The property to be leased is located at 251 East Ohio Street, Indianapolis, Indiana. Such property is owned by Hertz Indianapolis One, LLC.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Sanders reported that the Administration and Finance Committee heard Proposal Nos. 266 and 267, 2007 on June 19, 2007. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 266, 2007. The proposal, sponsored by Councillors Brown and Plowman, transfers \$20,000 in the 2007 Budget of the Marion County Board of Voter's Registration (County General Fund) to cover expenses for temporary staff to assist with entering and maintaining voter registration records. PROPOSAL NO. 267, 2007. The proposal, sponsored by Councillor Nytes, authorizes and approves an interlocal agreement for the investment of public funds. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Sanders moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 266 and 267, 2007 were adopted on the following roll call vote; viz:

29 YEAS: Abdullallah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy
0 NAYS:

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Proposal No. 266, 2007 was retitled FISCAL ORDINANCE NO. 68, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) by transferring and appropriating Twenty Thousand Dollars (\$20,000) in the Marion County General Fund for purposes of the Marion County Board of Voter's Registration and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.04(b) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Board of Voter's Registration to hire temporary staff to assist with entering and maintaining voter registration records.

SECTION 2. The sum of Twenty Thousand Dollars (\$20,000) be, and the same is hereby transferred from Character 03 to character 01 for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY BOARD OF VOTER'S REGISTRATION</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	20,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	\$20,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY BOARD OF VOTER'S REGISTRATION</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	20,000
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	\$20,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 267, 2007 was retitled GENERAL RESOLUTION NO. 11, 2007, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 2007

A PROPOSAL FOR A RESOLUTION of the City-County Council of the City Indianapolis and of Marion County, Indiana authorizing and approving an Interlocal Agreement for the investment of public funds.

WHEREAS, Indiana Code 36-1-7-1, et seq. (the "Interlocal Law") authorizes the State of Indiana, political subdivisions and state agencies to enter into interlocal cooperation agreements for the joint exercise of powers; and

WHEREAS, the City of Indianapolis (the "Government Entity") has public funds which are eligible for investment pursuant to the provisions of Indiana Code 5-13 and regularly exercises its power to invest such moneys pursuant to the provisions thereof; and

WHEREAS, the Government Entity has determined that the joint exercise of the power to invest its public funds will be of benefit to the Government Entity and its citizens by providing additional investment options; and

WHEREAS, the Interlocal Law requires that any interlocal cooperation agreement be approved and authorized by resolution or ordinance of a participating entity; and

WHEREAS, the City-County Council (the "Governing Body") desires to authorize the entry into an interlocal agreement for the joint exercise of the power to invest public funds; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Governing Body does hereby authorize and approve the entry by the Government Entity into the Interlocal Agreement dated as of October 1, 2006, constituting an interlocal cooperation agreement by and among the Indiana participants that are parties thereto (the "Participants"), and an agreement for services by and among the Participants, U.S. Bank, National Association, as Custodian, and CRF Financial Group, Inc., as Program Administrator ("the Program Administrator"), a copy of which has been presented to this Governing Body and is attached hereto (the "Agreement").

SECTION 2. The city controller is the investing officer of the Government Entity (the "Investing Officer") and is hereby designated as the representative to the Board of Representatives described and set forth in the Agreement.

SECTION 3. The execution and delivery of the Participation Certificate, in the form attached as Exhibit D to the Agreement (as modified and completed for execution by the Government Entity), by the mayor of the Government Entity is hereby authorized and approved to evidence the entry into the Agreement by the Government Entity as a Participant.

SECTION 4. The Investing Officer is authorized to return the executed Participation Certificate to the Program Administrator and to take any such other action as may be necessary to effectuate the participation by the Government Entity in the Agreement, and is further authorized to take such other actions as may be necessary or desirable for the investment of funds of the Government Entity pursuant to the Agreement.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 277-282 and 288, 2007 on June 21, 2007. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 277, 2007. The proposal, sponsored by Councillors Nytes, Mansfield, Keller, Sanders and Conley, amends the Code to create the Fleet Services Internal Service Fund. PROPOSAL NO. 278, 2007. The proposal, sponsored by Councillors Conley, Nytes, Mansfield, Keller and Sanders, amends the Code to revise the duties of the Indianapolis Fleet Services Division to add county vehicles to the management responsibilities of the Division and to allow for better management of vehicle replacements and reduce vehicle maintenance costs. PROPOSAL NO. 279, 2007. The proposal, sponsored by Councillors Conley and Langsford, authorizes intersection controls for the Treyburn Green Subdivision (District 21). PROPOSAL NO. 280, 2007. The proposal, sponsored by Councillors Conley and Keller, authorizes parking restrictions on Summit Street between Williams Street and Washington Street (District 16). PROPOSAL NO. 281, 2007. The proposal, sponsored by Councillors Conley and Nytes, authorizes intersection controls for the Keystone Enterprise Park (District 9). PROPOSAL NO. 282, 2007. The proposal, sponsored by Councillors Conley and Keller, approves an appropriation of \$192,800 in the 2007 Budget of the Department of Public Works (Consolidated County Fund) to cover the anticipated costs of operating and maintaining vehicles and fire apparatus currently owned by the Warren Township Fire Department that became part of the Indianapolis Fire Department as of July 1, 2007, financed by chargeback revenues to be received from the Indianapolis Fire Department. PROPOSAL NO. 288, 2007. The proposal, sponsored by Councillors Conley and Schneider, authorizes a traffic signal for the intersection of 82nd Street and Racquet Square (District 4). By 6-0 votes, the Committee reported the proposals to the

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Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 277-282 and 288, 2007 were adopted on the following roll call vote; viz:

29 YEAS: *Abduallah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy*
0 NAYS:

Proposal No. 277, 2007 was retitled GENERAL ORDINANCE NO. 31, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to create the Fleet Services Internal Service Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 135 of the "Revised Code of the Consolidated City and County" hereby is amended by the addition of Article IX.

ARTICLE IX. NONREVERTING CITY-COUNTY FUNDS

DIVISION 1. FLEET SERVICES INTERNAL SERVICE FUND

Sec. 135-901. Created.

There is hereby created a special, nonreverting fund for city and county fleet services to be designated as the "fleet services internal service fund." The controller and auditor shall deposit in such fund all moneys received by or credited to the Indianapolis Fleet Services Division in the performance of its functions and duties, as provided in section 261-304 of this Revised Code, and other revenues duly allocated during each year, as approved by the city-county council, and as provided by law.

Sec. 135-902. Use.

(a) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds or be diverted directly or indirectly in any manner other than that set forth in subsection (c).

(b) Moneys in the fleet services internal service fund may be used for expenses incurred in carrying out the functions and duties of the Indianapolis Fleet Services Division as provided in section 261-304 of this Revised Code.

(c) Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 278, 2007 was retitled GENERAL ORDINANCE NO. 32, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to revise the duties of the Indianapolis Fleet Services Division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 261-304 of the "Revised Code of the Consolidated City and County," regarding the Indianapolis Fleet Services Division, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 261-304. Indianapolis Fleet Services Division.

The Indianapolis Fleet Services Division shall:

- (1) Maintain and service, or authorize contracts or other methods of service or maintenance of, all vehicular equipment, accessories and other related equipment owned by the city and the county;
- (2) Operate maintenance garages;
- (3) Make a determination that it is in the best interests of the city and county for a department or agency ~~of the city~~ to lease all or a portion of that department's or agency's vehicular capital equipment or other automotive maintenance property from Indianapolis Fleet Services Division. Upon such a determination by the administrator of Indianapolis Fleet Services Division, the affected department or agency and the board of that department or agency shall cease to have the authority to acquire or approve the acquisition of the subject capital equipment or other property other than by lease from Indianapolis Fleet Services Division. Such authority to acquire or approve the acquisition of capital equipment or other property other than by lease from the Indianapolis Fleet Services Division may be restored by the administrator of the Indianapolis Fleet Services Division only by a determination by such administrator that such a restoration of authority is in the best interests of the city and county;
- (4) Purchase and dispense fuel for authorized governmental vehicles and charge the cost of the same to the appropriate division or agency;
- (5) Establish administrative fees and charges for noncity and noncounty entities that use the services of the Indianapolis Fleet Services Division, subject to the procedures and limitations of this paragraph. The Indianapolis Fleet Services Division shall file with the clerk of the city-county council a schedule showing each administrative fee or charge it establishes. The council may by resolution approve or disapprove the schedule or return it to the Indianapolis Fleet Services Division for further consideration in accordance with the council's instructions. If the council disapproves the schedule, it does not take effect and the fees and charges remain as they were prior to the disapproval. If the council does not act within sixty (60) days of the date the schedule is filed with the clerk, the schedule becomes effective; and
- (6) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 279, 2007 was retitled GENERAL ORDINANCE NO. 33, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2007

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
35	Freestone Dr Gull Lake Dr	Freestone Dr	Stop
35	Freestone Dr Lorton Cir	Freestone Dr	Stop
35	Piper Lake Dr Treyburn Green Dr	Treyburn Green Dr	Stop
35	Prospect St Treyburn Green Blvd	Prospect St	Stop
35	Treyburn Green Blvd Treyburn Green Way	Treyburn Green Way	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 280, 2007 was retitled GENERAL ORDINANCE NO. 34, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 2007

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Summit Street, on both sides, from
A point 100 feet south of Washington Street to Washington Street

SECTION 2. The “Revised Code of the Consolidated City and County,” specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Summit Street, on the east side, from
A point 100 feet south of Washington Street to Washington Street

Summit Street, on the west side, from
Williams Street to Washington Street

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 281, 2007 was retitled GENERAL ORDINANCE NO. 35, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 2007

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Enterprise Park Dr (WB)	Enterprise Park Dr	Stop
	Enterprise Park Dr	Enterprise Park Pl	
	Enterprise Park Pl		

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 282, 2007 was retitled FISCAL ORDINANCE NO. 69, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating One Hundred Ninety Two Thousand Eight Hundred Dollars (\$192,800) in the Consolidated County Fund for purposes of the Department of Public Works, and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (j) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of covering the anticipated costs of operating and maintaining vehicles and fire apparatus currently owned by the Warren Township Fire Department that become part of the Indianapolis Fire Department as of July 1, 2007, financed by chargeback revenues to be received from the Indianapolis Fire Department.

SECTION 2. The sum of One Hundred Ninety Two Thousand Eight Hundred Dollars (\$192,800) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	49,300
2. Supplies	107,500
3. Other Services and Charges	36,000
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	192,800

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SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>192,800</u>
TOTAL DECREASE	192,800

SECTION 6 Section 5.02 (j) of fiscal ordinance 89, 2006 is hereby amended as follows:

(j) The maximum number of authorized employees for each City of Indianapolis department and division, whose compensation is appropriated by this ordinance, for the calendar year 2007, shall be limited as follows:

Department	Division	Position Type	2007 Proposed
Public Works		Full Time FTE	244.50
Public Works		Seasonal FTE	1.50
Public Works		Part Time FTE	1.00
Public Works		Union Position FTE	430.00 433.00
Public Works Total			677.00 680.00

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 288, 2007 was retitled GENERAL ORDINANCE NO. 36, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 36, 2007

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	82 nd St 4255 E 82 nd St	None	Signal

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Gibson invited all Councillors to the 3rd Annual Kids Health Festival on Thursday, August 2, 2007 from 4:00 to 8:00 p.m. at the Children’s Museum, where the theme is “Mission Possible.”

Councillor Cockrum asked if Councillor Borst is going to address Proposal Nos. 182 and 256, 2007 again at this time. Councillor Borst said that Mr. Haith informed him later that the proper time to bring up these items would have been under the Adoption of the Agenda.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Brown in memory of Rufus Donaldson; and
- (2) Councillor Gibson in memory of Christine A. McLaughlin; and
- (3) Councillors Brown, Gray, Langsford and Pfisterer in memory of Jerry Allen Whitaker; and
- (4) Councillors Gray and Brown in memory of Randolph Germany, Sr.; and
- (5) Councillor Gray in memory of Albert Eugene Walton and Cecil M. Nolcox; and
- (6) Councillor Nytes in memory of Russell Taylor; and
- (7) Councillors Langsford and Cockrum in memory of Robert Cook.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of 8:44 Rufus Donaldson, Christine A. McLaughlin, Jerry Allen Whitaker, Randolph Germany, Sr., Albert Eugene Walton, Cecil M. Nolcox, Russell Taylor, and Robert Cook. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:44 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 23rd day of July, 2007.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)